**10-144**

**MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**OFFICE FOR FAMILY INDEPENDENCE**

**CHAPTER 609**

**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING (SNAP E&T) RULES**

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**SUMMARY:** This rule describes the Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) Program, which provides employment and training services for SNAP recipients. The goal of SNAP E&T is to assist participants in obtaining sustainable employment that reduces or eliminates dependency on SNAP benefits. The rules prescribe program authorization, goals, administration, participant eligibility, services and support services, and operating procedures and standards for SNAP E&T Providers.

**SECTION 1: DEFINITIONS, AUTHORIZATION, and ADMINISTRATION**

1. **DEFINITIONS**

**Able-bodied Adult without Dependent (ABAWD)**- a recipient as defined in 10-144 C.M.R. Ch. 301 Supplemental Nutrition Assistance Program (SNAP) Rules Manual, Section 111-7.

**Assessment**- An individualized process designed to integrate the array of SNAP E&T services with educational and vocational needs, including review of employment and educational history, interests and abilities of each participant, barriers to employment, and support service needs to develop an Individualized Employment Plan as an interactive process between the participant and the SNAP E&T Provider.

**Basic Skills Education**- educational or basic skills training such as Adult Basic Education (ABE), basic literacy, English as a Second Language (ESL), high school equivalency (HiSET), and other remedial courses necessary for job attainment and/or prerequisites or necessary for participating in post-secondary education consistent with 7 C.F.R. §273.7(e)(2)(vi)(A).

**Case Management**- As outlined in 7 C.F.R. §273.7(e)(1), Case Management is the ongoing process of interactive communication, identifying the needs of the participant, coordinating services appropriate to meet those needs, and monitoring and supporting the participant’s progress through SNAP E&T so that the participant can gain the skills and support to obtain employment. Case management must be provided by all SNAP E&T providers in addition to at least one SNAP E&T service component.

**Component**- Educational, training, or employment activities approved by SNAP E&T and delivered to meet federally defined standards for SNAP Employment and Training programs in 7 C.F.R. §273.7(e)(2). SNAP E&T services may include Non-work, Work, and Educational Components. SNAP E&T Providers are not required to deliver all service components.

**Educational Component**- is a SNAP E&T component as defined in 7 C.F.R. §273.7(e)(2) that includes basic skills education, vocational, or post-secondary undergraduate education for specific high skilled jobs. Educational Components may be counted as a qualifying ABAWD Work Component when the ABAWD is enrolled at least 20 hours per week or half-time in an Educational Component, as determined by the educational institution.

**Fair Hearing (also known as an Administrative Hearing)**- A hearing conducted before a Department of Health and Human Services hearings officer in which a participant has an opportunity to dispute a decision made by the Department. The hearing officer’s decision is binding on all parties and is subject to possible Superior Court review.

**Food and Nutrition Services (FNS)**- The division of the United States Department of Agriculture (USDA) that works to end hunger and obesity through the administration of federal nutrition assistance programs including Supplemental Nutrition Assistance Program (SNAP), and school meals in partnership with State and Tribal governments.

**Individualized Employment Plan (IEP)**- An agreement between the SNAP E&T Provider and the participant, which outlines the responsibilities of each party, including services to be provided by SNAP E&T, and actions to be taken by the participant to achieve a short or long-term employment related goal identified in the IEP.

**Job Retention**- A SNAP E&T component as defined in 7 C.F.R. §273.7(e)(2)(viii) that provides case management and participant reimbursements and other SNAP E&T services to participants who obtain a job through their SNAP E&T enrollment.

**Non-work Component**- includes federally defined Job Search, Job Search Training, and Job Retention Component services as defined in 7 C.F.R. §273.7(e)(2) typically used to help a participant achieve job readiness or retain employment attained through SNAP E&T participation.

**Participant**- a federal SNAP recipient who is enrolled in SNAP E&T services.

**Participant Reimbursement**- Reimbursements pursuant to 7 C.F.R. §273.7(d)(4) for services or items such as transportation, childcare, books, tools, equipment or work clothing that are necessary for the participant to complete the SNAP E&T component in which they are enrolled and have identified in their IEP. Participant Reimbursement costs can only be reimbursed by the Department directly to the SNAP E&T Provider or participant.

**Provider** (SNAP E&T Provider)- either the Department or a contracted vendor that provides SNAP E&T services.

**Qualifying Component**- an Educational or Work Component pursuant to 7 C.F.R. §273.7(e)(2) that may be used toward ABAWD work requirements.

**Recipient**- an eligible individual included in a SNAP household and currently receiving or enrolled for SNAP benefits.

**Work Component**- an employment and training service component as defined in 7 C.F.R. §273.7(e)(2) that qualifies for federally defined standards to meet ABAWD work requirements. Work Components include apprenticeships, Job Retention, workfare, and work experience.

**Work Registrant**- a recipient between the ages of 16-59 who is subject to the federal work requirements identified in 7 C.F.R. §273.7(a)(1)(i-vii).

**II. AUTHORIZATION**

The Maine Department of Health and Human Services, Office for Family Independence, is authorized to operate the SNAP Employment and Training (SNAP E&T) program for SNAP recipients under provisions of the federal Food Stamp Act of 1977 (P.L. 93-133, Section 17), as amended, which is contained in Title 7 United States Code §2015(d)(4). It is authorized under Maine Law at 22 M.R.S. §3104. It is governed by regulations promulgated by the U.S. Department of Agriculture, Food and Nutrition Service, as set forth at 7 C.F.R. §273.7.

**III. ADMINISTRATION**

1. **USDA FNS**- The U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS), is the federal government body that has regulatory oversight, provides the federal portion of funding, and approves annual program plans for the Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) program.
2. **DHHS/OFI**- The Department of Health and Human Services (DHHS) is the state agency designated by the USDA/FNS for the administration of SNAP and SNAP E&T. Within DHHS, the program is administered by the Office for Family Independence (OFI). OFI may provide SNAP E&T services or may contract with SNAP E&T Providers to administer SNAP E&T services subject to the requirements in this rule.
3. **SERVICE AREA-** SNAP E&T services may have limited availability throughout the state, depending on where the Department has SNAP E&T Providers available to deliver services.
4. **FUNDING**- Services are limited to the extent that program funding and resources permit.

**SECTION 2: PARTICIPANT ELIGIBILITY AND PRIORITY TARGET GROUPS**

1. **PARTICIPANT ELIGIBILITY**

To be eligible for SNAP E&T services, recipients must:

1. be receiving or enrolled for federal SNAP benefits in the State of Maine and be included in the federal SNAP household;
2. not be receiving TANF benefits;
3. be aged 16 or older; and
4. be residing within a one-hour one-way drive (60 miles) or commute to the location of SNAP E&T services or training to be provided, if such services require onsite participation.

Eligibility is also based on availability of funds and availability of SNAP E&T Providers in the area where the recipient resides.

1. **PRIORITY TARGET GROUPS**

Because funding for SNAP E&T services is limited based on FNS approval of an annual plan and availability of federal funding, SNAP E&T Providers must enroll participants based on the following priorities:

A. The first priority for SNAP E&T is to provide employment and training services to SNAP recipients who are subject to federal work requirements set forth in 7 C.F.R. § 273.7, including mandatory work registrants, also as outlined in Sections 111-5 and 111-6 of Supplemental Nutrition Assistance Program (SNAP) Rules, 10-144 C.M.R. Chapter 301, and able-bodied adults without dependents (ABAWDS), as defined in 7 C.F.R. § 273.24 and in Section 111-7 of Supplemental Nutrition Assistance Program (SNAP) Rules, 10-144 C.M.R. Chapter 301.

B. If funding is available, SNAP E&T Providers may enroll SNAP recipients who are otherwise eligible for SNAP E&T but currently exempted from work requirements in employment and training services, so long as the participant’s goal is to obtain a job, and the assessment conducted by the SNAP E&T Provider and identified in the Individualized Employment Plan determines that employment can be realistically obtained within one year of starting services or upon completion of the employment and training program.

**SECTION 3: SNAP E&T REFERRAL PROCESS**

1. **REFERRAL PROCESS**

SNAP recipients may be recruited by the SNAP E&T Provider or be referred to the SNAP E&T Provider by the Department or other community agencies. SNAP E&T Providers must determine that the recipient is currently receiving or enrolled for SNAP benefits and eligible to participate prior to enrolling a participant.

SNAP recipients may also be referred to Provider agencies by the Department.

Enrollment in SNAP E&T is determined by the Department upon review of eligibility and assessment information gathered by Providers. The Department makes final determination of eligibility.

1. **VOLUNTARY PARTICIPATION**

Eligible SNAP recipients may voluntarily participate in SNAP E&T services where available. All SNAP E&T services are voluntary. A decision to not participate or to disenroll has no impact on continued receipt of SNAP benefits.

1. **APPOINTMENT SCHEDULING**

Participants are expected to keep all appointments scheduled by SNAP E&T Providers unless there is Good Cause for absence. Participants may be discharged from SNAP E&T by the SNAP E&T Provider if they fail to keep appointments or participate in SNAP E&T activities identified in their IEP.

1. **ORIENTATION, ASSESSMENT and INDIVIDUALIZED EMPLOYMENT PLAN (IEP)**
2. **ORIENTATION**

SNAP E&T participants must be informed by the SNAP E&T Provider what services and participant reimbursements they may be eligible for and must sign a Participation Agreement that outlines SNAP E&T services and program rules and their rights and responsibilities. Participants must also sign an Authorization to Release Information Form allowing the Department and SNAP E&T Providers to share ongoing information necessary for SNAP E&T participation.

1. **ASSESSMENT**

SNAP E&T participants and Providers must review the participant's education and employment history, employment and training interests, barriers to employment, and participant reimbursement needs (e.g., dependent care and transportation) as part of the assessment process.

**C. INDIVIDUALIZED EMPLOYMENT PLAN (IEP)**

SNAP E&T Providers complete an Individualized Employment Plan (IEP) with the participant based upon information obtained during the assessment to determine what services and participant reimbursements will be provided. The IEP is developed for the time period necessary to accomplish steps to attain the goals of the IEP. The IEP must be amended when there is a change in circumstances affecting progress, or there is a change in goals or services. The IEP lists the training and employment related activities in which the participant will engage, as well as performance expectations. The IEP, also, identifies participant reimbursements necessary to assist in completing training goals. The IEP is updated and amended as necessary, and at a minimum, updated every six months.

**SECTION 4: EMPLOYMENT AND TRAINING SERVICE COMPONENTS**

Employment and training service components are defined in 7 C.F.R. § 273.7(e)(2) and may be limited in availability to the extent that SNAP E&T Providers deliver specific service components in specific geographic locations.

The Department requires SNAP E&T Providers to deliver those service components as defined in the USDA SNAP E&T Toolkit, posted at: <https://www.fns.usda.gov/snap/employment-training-program-toolkit>. SNAP E&T services that may be delivered are categorized as Non-work Components, Work Components, and Educational Components. All SNAP E&T Providers are required to provide case management services to SNAP E&T participants during their SNAP E&T participation, which requires at a minimum monthly contact with SNAP E&T participants to track and coach progress related to SNAP E&T participation. SNAP E&T Participants may be co-enrolled with more than one SNAP E&T Provider only when the providers are delivering separate components of services as listed below to the Participant. (E.g. a participant may have their case management reimbursed by one provider and their Educational Component by another.) SNAP E&T Participants may not receive the same component of service from more than one SNAP E&T Provider in the same month, and in the event that more than one Provider offers that component of service, the Participant may select the Provider of their choice.

The following employment and training service components may be delivered:

**I. NON-WORK COMPONENTS**

**A. Job Search Training**

Job Search Training is a component that assists participants to become job ready by teaching job seeking techniques and working with participants to increase their self-confidence and job search motivation. The component may include job skills assessments beyond the initial assessment, job clubs, and other employment related training. Job Search Training may also have specific activities to assist participants who have not recently been in the workforce or are from a different culture. Necessary Job Search Training services are identified on an individual basis and may also include but are not limited to interview workshops, resume writing, and Maine JobLink registration to apply for jobs online. Depending on needs, some participants may receive more intensive services to help them become work ready, including time management, budgeting, or assistance with transportation.

**B. Job Search**

Job Search is the component that requires job ready participants to make contact with a minimum of three employers per week regarding potential employment and keep a job search log. Job Search must be a supervised activity in order to meet federal requirements outlined in 7 C.F.R. § 273.7 (e)(2).

The component allows the participant to conduct job searches independently or within a group setting, and includes case management from the SNAP E&T Provider to support Job Search activities.

**C. Job Retention**

Job Retention services pursuant to 7 C.F.R. § 273.7(e)(2)(viii) provide case management and participant reimbursements for recipients who have obtained a job through working with the SNAP E&T Provider. Job Retention services can typically be provided for a minimum of 30 days up to 90 days after starting a job that was obtained through participation in SNAP E&T. Maine received approval from FNS on August 13, 2020 to expand the duration of Job Retention services to a maximum of 365 days effective October 1, 2020 through September 30, 2024. This component allows case management services and some participant reimbursements for equipment, tools, uniforms, childcare, and transportation to support the participant in retaining a job.

ABAWDs are limited to a maximum of two hours per week of Job Retention services that can be counted toward ABAWD work requirements, which may be combined with 18 hours of ABAWD work requirements.

Job Retention is the only SNAP E&T component that may be delivered to participants who lose their SNAP eligibility due to excess income when they attain employment through SNAP E&T participation.

**II. WORK COMPONENTS**

**A. Workfare**

Workfare is a component in which SNAP recipients defined as ABAWDs are required to work off the value of their household’s monthly SNAP allotment through assignment at a private or public non-profit agency as a condition of eligibility. The goal is to improve employability and encourage recipients to move into regular employment.

**B. Work Experience**

Work Experience includes on-the-job training, job-specific training, apprenticeships, or “earn while you learn” opportunities in a classroom or with an employer. The employer may be not-for-profit, private or for-profit. This component has the primary goal of developing specific work skills and employability of recipients.

**III. EDUCATIONAL COMPONENTS**

**A. Basic Skills Education**

Basic Skills Education as defined above may only be reimbursed for classes or services that are not otherwise available to the participant at no cost. SNAP E&T participants enrolled in Basic Skills Education through the SNAP E&T Provider may be eligible to receive participant reimbursements for services necessary to complete the Basic Skills Component even when that course is funded by another source, e.g., high school equivalency (HiSET) courses available at no cost to residents of a particular municipality. Basic Skills may include but are not limited to high school diploma or equivalency, English as a Second Language, math or reading to assist a participant in becoming eligible for post-secondary education, or other classes or programming necessary to assist with a vocational goal.

**B. Post-Secondary**

The SNAP E&T Post-secondary Education component can reimburse post-secondary educational activities such as short-term vocational training, certification programs, and two-year and four-year undergraduate degrees in programs that have direct links to employment. Direct links to employment are determined by the State of Maine Department of Labor and are occupations defined as high-compensation occupations with demand for skilled labor as per the criteria outlined in 12-597 C.M.R. Ch. 2, and included in the CSSP Approved Occupations List at <https://www.mainecareercenter.gov/cssp.shtml>.

##### SECTION 5: COMPLETION and DISCHARGE FROM SNAP E&T

SNAP E&T completion and discharge dates are recorded by SNAP E&T Providers and reported to the Department for purposes of reimbursement, benefit status determination, and for performance measurement.

**I. COMPLETION**

A participant has completed participation in SNAP E&T when:

A. the participant obtains suitable full-time employment (at least 30 hours per week or when weekly earnings exceed the Federal minimum wage multiplied by 30);

B. the participant completes the component or indicates that SNAP E&T services are no longer needed;

C. the SNAP E&T Provider determines that the participant cannot meet further goals towards employment from SNAP E&T activity as determined in assessment; or

D. the SNAP E&T Provider discharges the participant.

**II. DISCHARGE**

SNAP E&T Providers cannot be reimbursed for services provided to participants who lose SNAP eligibility during a training program, and may discharge them from SNAP E&T when they lose their SNAP eligibility. SNAP E&T Providers may continue to serve participants enrolled in a Job Retention Component who lose financial eligibility, since federal guidelines in 7 C.F.R. § 273.7(e)(2) allow continued reimbursement for participants enrolled in a Job Retention Component, meeting the Department’s time limits for Job Retention.

**SECTION 6: SNAP E&T SERVICES FOR ABAWDS**

ABAWDs are subject to all requirements outlined in Section 111-7 of the Supplemental Nutrition Assistance (SNAP) Rules, 10-144 C.M.R. Chapter 301.

ABAWDs may meet some or all of their work requirements by participating in a SNAP E&T program delivered by a SNAP E&T Provider. Not all SNAP E&T services can be counted towards fully meeting ABAWD work requirements. To fully meet ABAWD work requirements through SNAP E&T participation, an ABAWD must be participating in SNAP E&T programming that includes a federally defined qualifying Work Component with participation of at least 20 hours per week or be enrolled in an approved Educational Component at least half time, as defined by the education institution. Non-work Component activities including Job Search, Job Search Training, and Job Retention may only count up to 9.75 hours per week towards ABAWD work requirements, with qualifying SNAP E&T Work Components or paid employment making up the remainder of the 20 hours per week ABAWD work requirement.

**SECTION 7: PARTICIPANT PERFORMANCE** **REQUIREMENTS**

Participants who do not adhere to SNAP E&T Provider performance requirements may be discharged from SNAP E&T services by the Provider and/or discharged from SNAP E&T by the Department. Requirements are part of the IEP. Participants may request conciliation or administrative hearings, as detailed in Section 11.

**SECTION 8: PARTICIPANT REIMBURSEMENT SERVICES**

A participant may be eligible for reimbursement of training related expenses called Participant Reimbursements, pursuant to 7 C.F.R. § 273.7(d)(4) that are determined necessary for SNAP E&T participation, incurred directly as a result of SNAP E&T participation, and identified in the IEP. Reimbursement may include mileage reimbursement, books, education fees, occupational clothing and equipment, dependent care and other needs approved by the Department as being legitimate costs of participation and included in the IEP. Any Participant Reimbursement for which SNAP E&T will make payment must be the least expensive quality alternative available that will not cause delay or hinder progress of the IEP.

SNAP E&T Providers may acquire necessary items or reimburse participants for these expenses and are required to inform participants of Participant Reimbursement services that may be reimbursable. All Participant Reimbursements must be approved by the Department prior to purchase or delivery, and the approved costs can only be reimbursed directly to the SNAP E&T Provider or participant.

Because Participant Reimbursements must be issued prior to some E&T activities, to remove barriers to participation (such as access to transportation), the Provider may issue gift cards, such as gas cards, when necessary and no other method is viable for this purpose. When gift cards are issued to meet Participant Reimbursement requirements, the Provider must have policy and procedures in place that meet the DHHS Gift Card Checklist that is attached to their contract and have those policies and procedures approved and signed by the Provider and DHHS. Providers must follow their approved policies and procedures which includes abiding by all prior authorizations and Participant Reimbursement caps in their contract in issuing gift cards for the purpose of Participant Reimbursements.

A SNAP E&T participant becomes eligible for Participant Reimbursements on the date of active enrollment in an approved SNAP E&T component, and for each month that the participant remains actively enrolled in the SNAP program and a SNAP E&T component.

Participant Reimbursements are subject to both federal and state approval and Provider funding availability. All Participant Reimbursements must be directly linked to the IEP and identified in the IEP and progress notes.

**I. SUPPORT SERVICE LIMITS:**

The following limits or caps apply to all SNAP E&T participants and are subject to Department pre-approval which must be obtained by the SNAP E&T Provider and is subject to allowability of federal and Provider funding:

|  |  |
| --- | --- |
| **Support Service Item** | **Maximum Amount Reimbursed Per Participant per federal fiscal year (October 1-September 30).** |
| Tuition | $6000 for full-time students and $3000 for part-time students, limited to certificate or undergraduate degrees. All other financial aid, grants, and scholarships must be exhausted. |
| **Participant Reimbursement Caps** |
| Transportation  | Mileage, bus passes, taxi fare, or gas cards.Transportation reimbursement is limited to $50 per week, unless otherwise approved by the Department.Effective March 1, 2024, mileage is reimbursed consistent with current State of Maine mileage rate for actual mileage or calculation of gas card denominations.The State of Maine rate is found on the Department of Administrative and Financial Services Office of the State Controller at <https://www.maine.gov/osc/travel/mileage-other-info>The State of Maine rate is the amount to be used if the standard mileage allowance is claimed.The most economic mode of transportation must be utilized. |
| Eye care (not otherwise covered) | $200 |
| Dental Care (not otherwise covered) | $500 |
| Books and Supplies (as approved for specific programming) | $2000 (limited to the SNAP E&T program or job attained through SNAP E&T) |
| Child care reimbursement | Childcare rates may not exceed the rates set by the Maine Child Care Subsidy Program (CCSP) at: <https://www.maine.gov/dhhs/ocfs/support-for-families/child-care/paying-for-child-care> (see Maine Child Care Market Rate)Recipients must apply for CCSP funding. Child care is only reimbursed through SNAP E&T when CCSP funding is not available. |

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| --- | --- | --- | --- |
| Uniforms, Tools, Equipment, and Automobile Repair (only as required for job attainment). | $1000 (limited to the SNAP E&T program or job attained through SNAP E&T). |  |  |

Participant reimbursements and tuition cannot be reimbursed for participants who are receiving TANF cash benefits.

The participants must sign a Contractor Reimbursement Form distributed by the SNAP E&T Provider acknowledging receipt of Participant Reimbursements in order to be reimbursed.

**II. ALLOWABLE TRANSPORTATION RELATED EXPENSES**

If a private vehicle is used by the participant, reimbursement is made by the SNAP E&T Provider at the current rate per mile paid by the SNAP E&T program for the most direct route (including stops at a child care provider) to and from the SNAP E&T service component site. A private vehicle must be properly registered and insured, and the driver must be legally licensed in order to receive reimbursement. Participants are reimbursed for transportation after they have submitted a correctly completed expense voucher to SNAP E&T Providers including proper mileage reimbursement and/or receipts.

In areas where available and more economical, SNAP E&T Providers may purchase a gas card, bus pass or arrange payment for other public transportation on behalf of the SNAP E&T participant in lieu of reimbursing for mileage. When gas cards are used, the denomination must be calculated according to mileage incurred by the participant for approved SNAP E&T activities.

Vehicle repairs are subject to the limits above and are limited to vehicles that are registered and insured to the SNAP E&T participant or legal spouse, who must have a valid driver’s license. Repairs can only be reimbursed for vehicles that will pass State safety inspection upon completion of the repair and will result in safe and reliable transportation to be used for the participant’s training or employment. SNAP E&T Providers must submit a completed Department approved Vehicle Repair Form and obtain prior approval from the Department in order to reimburse vehicle repairs on behalf of SNAP E&T participants. Vehicle repairs must be completed by an automobile repair shop authorized to conduct State safety inspections. The Department may require quotes from other automobile repair shops prior to approving a repair.

All transportation reimbursement is subject to the limits in the table above.

**III. DEPENDENT CARE REIMBURSEMENT**

A participant who has dependents who require care during the hours the participant is actively engaged in a component activity is eligible for the actual costs or the current limits established by the Maine Child Care Subsidy Program, whichever is less, per dependent per month to cover dependent care costs. These rates are found at: <https://www.maine.gov/dhhs/ocfs/support-for-families/child-care/paying-for-child-care>. If the dependent is a child under age 13, and the childcare is not provided by a licensed or registered facility, the childcare arrangement must be approved prior to payment by the SNAP E&T Provider. SNAP E&T Providers must conduct a check of the child care provider for present or prior child protective services involvement,

checks with the State Bureau of Identification and Department of Motor Vehicles, and other approval procedures (such as a home visit) as may be deemed necessary on a case-by-case basis before reimbursing child care providers. A childcare provider who is caring for more than two children who are unrelated to the childcare provider must be licensed or registered prior to being paid by the SNAP E&T Provider.

**SECTION 9: PARTICIPANT RIGHTS AND RESPONSIBILITIES**

Participants have certain rights and responsibilities in relation to the SNAP E&T program. Rights include being made aware of what services the SNAP E&T program offers, Good Cause, the availability of conciliation and administrative hearings, and disqualifications that may be applied for failure to comply with SNAP E&T rules or federal work registration requirements in 7 C.F.R. § 273.7. Responsibilities include following the rules of the program with regard to participation, keeping appointments and abiding by provisions of the IEP.

Registrants are advised orally and in writing of their rights and responsibilities by the SNAP E&T Provider at the time of enrollment.

**SECTION 10: DISQUALIFICATIONS**

1. **DISQUALIFICATION OF VOLUNTARY PARTICIPANTS**

Voluntary participants may be disqualified from SNAP E&T in accordance with this section, but do not lose other SNAP benefits. SNAP E&T services are denied for the disqualification period when a voluntary participant is disqualified.

**II. GOOD CAUSE**

Disqualifying acts are excused if Good Cause exists. Good Cause reasons include those listed below:

* 1. Illness or incapacitation of the participant or a family member, which requires the presence of the participant. Verification by a physician may be required.
	2. Sexual harassment occurring while a participant is engaged in SNAP E&T activities.
	3. Court required appearance or incarceration.
	4. Lack, or breakdown, of necessary support services such as childcare or transportation with no alternative available at no additional cost to the participant.
	5. Inclement weather which is serious enough to prevent other participants from traveling to the activity.
	6. Assignment of a participant to an activity which has not been made part of the IEP (other than orientation or assessment which predate development), or which is in violation of SNAP E&T rules.
	7. Assignment to an activity, which requires the participant to relocate outside the immediate geographical area (an area within a one hour one way commute), unless the participant has voluntarily elected to relocate.
	8. Inability to participate due to domestic violence. When the person is unable to participate due to physical injuries or psychological effects of abuse; because of legal proceedings counseling or other activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other Good Cause related to domestic violence.

Other circumstances beyond the control of the participant or that a reasonable person would consider to be Good Cause. It is the responsibility of the participant to demonstrate that Good Cause exists and to provide documentation or other proof of Good Cause when requested. Failure to do so to the satisfaction of the Department results in disqualification.

**SECTION 11: CONCILIATION AND ADMINISTRATIVE HEARINGS**

1. **CONCILIATION**

Conciliation meetings are informal meetings which are designed to resolve program related disputes between SNAP E&T Providers and the participant, without going to administrative hearing.

The following conditions apply to conciliation:

* 1. The SNAP E&T Provider shall attempt to establish conciliation prior to issuing a notice of non-compliance in instances where it is reasonable to believe that issues may be resolved. A SNAP E&T request for conciliation is made in writing within the ten calendar days of the date of an adverse action or an action, which is known to be in dispute. The participant may also initiate conciliation in instances where an action by the SNAP E&T Provider is disputed, although non-compliance may or may not be at issue. The participant must make the request orally or in writing within ten calendar days of the date the disputed action was received or acknowledged by the participant. If the participant's request is timely, the disputed action will not take effect pending completion of conciliation. Non-disputed actions must still take effect.
	2. The conciliation process must not exceed 30 calendar days from the first meeting. If agreement has not been reached at the end of this period, the disputed decision remains in force unless overturned by administrative hearing.
	3. The participant or the SNAP E&T Provider may terminate conciliation at any time the parties believe it is unproductive. If any party terminates conciliation, the action remains in force unless overturned by administrative hearing.
	4. The participant may request an administrative hearing in addition to or instead of conciliation, providing the request is in accordance with time limits set forth for administrative hearings. If a timely request for conciliation is made, an administrative hearing request may be made within 90 days of the conciliation decision.
	5. Any changes resulting from conciliation will be placed on the IEP. If there is no change, original actions remain in force unless overturned by administrative hearing.
	6. The participant may have the same representation and access to records as allowed for administrative hearings.
1. **ADMINISTRATIVE HEARINGS**

**A. RIGHT TO A HEARING**

The participant has the right to request an administrative hearing, in accordance with 7 C.F.R § 273.15, to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status, or a Department determination of failure to comply with SNAP work

requirements. Participants may appeal Department actions such as exemption status, the type of requirement imposed, or Department refusal to make a finding of Good Cause if the Participant believes that a finding of failure to comply has resulted from improper decisions on these matters.

Any request for an administrative hearing must be made within ninety days of the date of the action or Department determination. The Department may waive time limits. Requests for hearings may be made orally or through emails. Hearing decisions are binding and when appropriate, will be made part of the IEP.

A participant may not be granted an administrative hearing if a reduction in services or benefits is a result of an overall reduction in program funding which affects all participants, unless the participant can demonstrate that there has been inequitable treatment in comparison to other similarly situated participants.

**B. RULES GOVERNING HEARINGS**

Administrative hearings are conducted by the Department's Division of Administrative Hearings in accordance with the Administrative Hearings Manual, and in accordance with the Supplemental Nutrition Assistance Program (SNAP) Rules, 10-144 C.M.R. Ch. 301, Section 777-1.

**SECTION 12: CONFIDENTIALITY**

The confidentiality of SNAP E&T participants is protected by the Maine Department of Health and Human Services, and provisions outlining confidentiality are at: <https://www.maine.gov/dhhs/privacy/> and Supplemental Nutrition Assistance Program (SNAP) Rules, 10-144 C.M.R. Chapter 301, Section I. SNAP E&T Providers are contractually required to protect the confidentiality of SNAP E&T participants.

Release of information about a SNAP E&T participant (including to other Offices and Divisions within the Department of Health and Human Services and to SNAP E&T Providers under contract with the Department to provide services to SNAP E&T participants, or other agencies providing services) are made only when such release is directly related to that individual's participation in SNAP E&T and necessary to determine eligibility for benefits or services provided by the Department or other agencies.

Release of information to entities other than those described above are made only upon receipt of written permission from the participant using the Department’s Authorization to Release Form available at: <https://www.maine.gov/dhhs/privacy/authorization-release.pdf>.

STATUTORY AUTHORITY:

 22 MRS §42(1); 7 C.F.R. § 273.7

EFFECTIVE DATE:

 October 7, 1991

AMENDED:

 August 15, 1992 - Section 18

EFFECTIVE DATE (ELECTRONIC CONVERSION):

 May 5, 1996

AMENDED:

 June 30, 1997 - Section 18 (D, E, H)

REPEALED AND REPLACED:

 August 1, 2001

AMENDED:

 March 1, 2007 – filing 2007-178

CORRECTED:

 December 14, 2011 – agency names and program titles corrected

AMENDED:

 April 1, 2015 – filing 2015-042 – various amendments, chapter renamed to “Food Supplement – Employment and Training (FSET) Program Rules”

REPEALED AND REPLACED:

 October 1, 2020 – filing 2020-200

AMENDED:

May 1, 2021 – filing 2021-086 – Sections 1, 4, and 8 - Bachelor’s programs and co-enrollment approved, OJT supported

AMENDED:

August 6, 2023 – filing 2023-093 – References to “Food Supplement” updated to “SNAP”, Clarification added to Job Retention, Participant Reimbursements, SNAP Recipients, Participant Eligibility, Work Components, and Enrollment

AMENDED:

 May 14, 2024 – filing 2024-118 – Mileage Reimbursement and Gift Card Policy Update